

of the currently pending rejections is requested.

By the above amendments, claims 1-17 have been canceled, and new claims 18-34 added in their place. The Examiner's indication that claims 4 and 15-17 contain patentable subject matter is greatly appreciated; however, the Applicant has taken no action at this time to place those claims into independent form since the Applicant is of the opinion that new claims 18-34 are patentable over the prior art of record.

With regard to the Examiner's objection to claim 14 and the formality rejection of claims 5 and 12, under 35 U.S.C. 112 (second paragraph), the replacement of these claims with claims 21, 22 and 29 is believed sufficient to overcome each of the noted deficiencies and warrants withdrawal of the objection and formality rejection. Please note paragraph [0026] of the specification for support for the use of the term "elastic" in claims 21 and 22.

With regard to the Examiner's rejections of:

Claims 1-3, 5, 7-8, 10 and 12-14, under 35 U.S.C. 102(b), as being anticipated by Rogers et al. ('277),

Claim 6, under 35 U.S.C. 103(a), as being obvious over the teachings of Rogers et al. ('277) in combination with the teachings of Kondo et al. ('354), and

Claims 9 and 11, under 35 U.S.C. 103(a) as being obvious over the teachings of Rogers et al. ('277),
it is believed the Examiner has misunderstood the teachings of the prior art.

With regard to the Rogers et al. reference, the Examiner indicates that Rogers et al. disclose a door lock actuator with a reversible drive motor. However, this reversible drive (16) motor drives an actuator drive (14) that does not have two end positions. This actuator drive (16), instead is biased into a neutral middle position by a coiled spring (64) as indicated in Figure 3 (see column 4, lines 47-58). As a result, the actuator drive (16) returns to its neutral position each time that the reversible drive motor is switched off. This specific construction is very different from the drive presently claimed and requires different mechanics.

Furthermore, the Examiner has indicated that Rogers et al. disclose an emergency actuating mechanism in that it discloses the key switch (S). However, the operation of the

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key switch (S) only controls the electric drive motor (16), but does not in any way have a mechanical effect (see column 3, lines 28-33) as presently claimed.

In other words, there is no emergency actuating mechanism for mechanically moving the antitheft lever out of its "antitheft" operating state. The prior art of Rogers et al. does not disclose any means to **mechanically** unlock the vehicle lock when failure of the electric drive motor occurs in the "locked-antitheft" operating state.

Claim 1 of this patent application has been amended and presented as new claim 18 to better describe the differences (underlined below) between the prior art of Rogers et al. and the current invention of a motor actuator for a motor vehicle lock:

An electric motor actuator for a motor vehicle lock that can be switched into an "unlocked", "locked" and "locked-antitheft" operating state, said electric motor actuator comprising:

a reversible drive motor;

an actuator drive driven by said reversible drive motor and having two end positions;

an operating lever dynamically coupled to said actuator drive for switching said motor vehicle door lock into said "unlocked" and "locked" operating states, wherein said operating lever, at least in one end position of said actuator drive, is free to be mechanically switched between said "unlocked" and "locked" operating states;

an antitheft lever dynamically coupled to said actuator drive for maintaining said operating lever in said "locked" operating state, said antitheft lever having the operating states "antitheft" and "antitheft-off," the operating state "antitheft" of the antitheft lever together with the operating state "locked" of the operating lever defining the operating state "locked-antitheft" of the actuator, said antitheft lever being spring-loaded towards the "antitheft" operating state by a pretensioning mechanism, wherein said pretensioning mechanism is adapted to switch said antitheft lever from said "antitheft-off" operating state into said "antitheft" operating state, wherein said antitheft lever is maintained in the "antitheft-off" operating state

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against the force of the pretensioning mechanism, on the one hand, by a control crank mounted on said actuator drive, and on the other hand, by the operating lever in its "unlocked" operating state;
a catch mechanism mounted on said actuator drive, said catch mechanism being positioned proximal to the antitheft lever in its "antitheft" operating state while said actuator drive is in said "locked " operating state and holding said antitheft lever in its "antitheft" operating state; and
an emergency actuating mechanism for mechanically moving said antitheft lever from its "antitheft" operating state into its "antitheft-off" operating state overcoming the catch mechanism while said actuator drive is in said "locked" operating state,
wherein said catch mechanism then mechanically holds the antitheft lever in the "antitheft-off" operating state against the force of the pretensioning mechanism.

In particular, the additions to the construction and operation of the emergency actuating mechanism with the catch mechanism mounted on the actuator drive are sufficiently different from the electric motor actuator of Rogers et al.

The deficiencies of Rogers et al. noted above are not remedied by the further teachings of Kondo et al. since the latter patentees also do not disclose the highlighted features of claim 18 above. Further, Kondo et al. does not suggest any modifications of the electric motor actuator of Rogers et al. which would enable one of ordinary skill in the prior art to achieve the invention of claim 18.

In summary, since the admitted Rogers et al. patent does not explicitly or implicitly teach the features of the claimed invention (see the highlighted sections of claim 18 above), as is required for anticipation under 35 U.S.C. 102 and MPEP Chapter 2131, the rejection of claims 1-3, 5, 7-8, 10 and 12-14 (now claims 18, 19, 21, 22, 24, 25, 27 and 29-31), under 35 U.S.C. 102(b), as being anticipated by Rogers et al. is improper and must be withdrawn. Further, since the teachings of Rogers et al. and Kondo et al, either collectively or individually, do not teach or suggest modifying the features disclosed to achieve the electric motor actuator presently claimed (as required to establish a *prima*

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facie case of obviousness under 35 U.S.C. 103 and MPEP Chapter 2143), it would not have been obvious to one of ordinary skill in the prior art to modify the electric motor actuator of Rogers et al. to arrive at the invention of claim 18. Consequently, the rejection of claims 6, 9 and 11 (now claims 23, 26, 28), under 35 U.S.C. 103(a), as being obvious over the teachings of Rogers et al. alone or in combination with the teachings of Kondo et al. is improper and must be withdrawn.

In view of the foregoing, the present application should now be in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner finds any issue to remain unresolved after considering this response, or should any new issue arise, he is invited to call the undersigned to expedite the prosecution by working out any such issue by telephone.

Respectfully submitted,



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